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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,713	10/13/2000	David A. Monroe	069834.000017	1333
7	7590 05/04/2005		EXAMINER	
ROBERT C. CURFISS			POPE, DARYL C	
112 E. PECAN STREET SUITE 2100 SAN ANTONIO, TX 78205-1521			ART UNIT	PAPER NUMBER
	•		2632	
			DATE MAILED: 05/04/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
	09/687,713	MONROE
Office Action Summary	Examiner	Art Unit
	DARYL C. POPE	2632
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet with	the correspondence address
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, the maximum statutory perions for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the main earned patent term adjustment. See 37 CFR 1.704(b).	1. 1.136(a). In no event, however, may a repeply within the statutory minimum of thirty (d will apply and will expire SIX (6) MONTH ute, cause the application to become ABAI	ly be timely filed 30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).
Status		
1) ☐ Responsive to communication(s) filed on <u>03</u> 2a) ☐ This action is FINAL . 2b) ☐ The substitution of the process o	nis action is non-final. vance except for formal matter	
Disposition of Claims		
4) Claim(s) 1-75 is/are pending in the application 4a) Of the above claim(s) 1-18 and 64-75 is/a 5) Claim(s) is/are allowed. 6) Claim(s) 19-63 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and Application Papers 9) The specification is objected to by the Examination The drawing(s) filed on is/are: a) and applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the correction o	are withdrawn from considerate withdrawn from considerate for the considerate from the consid	/ the Examiner. e. See 37 CFR 1.85(a).) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in Appionity documents have been re eau (PCT Rule 17.2(a)).	olication No eceived in this National Stage
Attachment(s)	∧ □	(PTO 412)
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date 	Paper No(s)/	mmary (PTO-413) Mail Date ormal Patent Application (PTO-152)

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DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 19-63 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No. 6,545,601. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a processor into the monitoring station, since processors are well known and conventional devices that would have facilitated processing and overall operation of the system.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is (571) 272-2959. The examiner can normally be reached on M-TH 8:00-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

May 1, 2005

DARYL C POPE Primary Examiner

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